

REMARKS

Applicants have amended the specification to correct an inadvertent error in identifying the compound of Example I-b-2 that incorrectly appears as "Example I-1-b-2" in Table I but is correctly shown in the Preparation Examples at page 91. The obviousness of the error is evident when it is observed that all of the compounds described in the Preparation Examples at pages 85-91 (except the intermediate compound II-1 at page 88) and no others were tested and reported in the use Examples appearing at pages 92-111.

Applicants have canceled Claims 19-23 and 26 as discussed below.

Restriction Requirement under 35 U.S.C. 121

The Office Action requires restriction to one of the following groups:

- Group I: Claims 14-18 and 24, drawn to compounds and compositions of formula (I)
- Group II: Claims 19-21 and 26, drawn to a process for preparing compounds of various embodiments of formula (I)
- Group III: Claims 22 and 23, drawn to compounds of formulas (II) and (VIII), respectively (not "formula (I)" as stated in the Office Action)
- Group IV: Claim 25, drawn to a method of use for compounds and compositions of formula (I)

The Office Action also requires an election of a single disclosed species from the elected genus for the purpose of initial examination.

Applicants elect Group I with traverse with respect to Group IV but without traverse with respect to Groups II and III. With respect to Groups II and III, Applicants have canceled Claims 19-23 and 26 but reserve the right to file one or more divisional applications to the non-elected subject matter. Applicants' traversal with respect to Group IV is premised on the inherent relationship between the claimed compounds and their biological activity as recognized in *In re Papesch*, 325 F.2d 381, 137 U.S.P.Q. 43, 51 (C.C.P.A. 1963), which stands for the principal that a compound and its properties are inseparable. Since the Office Action does not specify an unrelated alternative use for the compounds, Applicants submit that the biological activity inherent to the method of Group IV is intimately associated with the compounds of Group I that the respective claims can and should be considered together in a manner consistent with MPEP 806.05(h). Applicants also elect a species represented by the compound of Example I-c-1 as shown in the specification

at page 87. The elected species corresponds to a compound of formula (I) in which X, Y, and A are each methyl and G is ethoxycarbonyl (i.e., the group $-(CO)-M-R^2$ in which M is oxygen and R^2 is ethyl). The elected species is within the scope of Claims 14-18 (note specifically embodiment (c) of Claim 18), as well as Claim 26. Applicants note by way of comment that their specification shows good biological results for the elected compound of Example I-c-1 in Tables A and C. This election is without traverse to the extent that it is understood that (a) the restriction requirement will be withdrawn upon the finding of an allowable genus and (b) any species withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. With respect to the scope of examination, Applicants point out the structural and biological relatedness of compounds within the scope of their claims, as exemplified in the test data shown for the elected compound of Example I-c-1 (Tables A and C) as well as the compounds of Example I-a-1 (Tables G and H), Example I-a-2 (Table E), Example I-b-1 (Tables F and H), Example I-b-2 (Table I as corrected), Example I-c-2 (Tables B and D), Example I-c-3 (Table H), and Example I-c-4 (Tables F, G, H, and J).

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

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